

Appn No. 09/722,172
Amdt. Dated July 28, 2004
Response to Office action of June 16, 2004

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REMARKS/ARGUMENTS

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

Claim Rejections – 35 USC §103

We have reviewed the prior art objections raised in paragraph 2 of the Office Action and believe that claim 1 is both novel and inventive as it stands. However, in order to obtain speedy allowance, claim 1 has now been revised to further clarify the distinctions over the prior art.

In particular, we respectfully submit that the combination of the documents Ackley, Ehrhart *et al.*, and Nagaoka does not teach the features of claim 1 prior to amendment.

In particular, Nagaoka describes an input pen with attached writing implement. The input pen is designed to be used with pressure sensitive surfaces, such as tablet input devices, to provide for pressure sensitive handwriting using a nylon tip 2. Thus, this device does not describe an input pen which can be used for detecting coded data. We therefore cannot see any urge for a person skilled in the art to combine the teaching of Ackley and Ehrhart *et al.*, both of which relate to detecting coded data, with an input pen which does not perform any form of detection itself.

Even in the event that a person skilled in the art is led to combine the teaching of these documents, we respectfully submit that Nagaoka describes an input pen with attached writing implement. In contrast to this, the present invention relates to a sensing device which is attached to a writing implement. We respectfully submit that this is an important distinction. In particular, the sensing device of claim 1 can be attached to a user's existing writing implement, such as a preferred pen or the like, allowing the user to continue to use their existing writing implement, whilst achieving the additional functionality defined by claim 1.

Thus, this allows the user to use their own standard writing implement and use this to detect the coded data provided on a page.

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In contrast to this, the teaching of Nagaoka relates to the provision of a specific writing implement which also happens to incorporate a writing instrument. This does not allow a sensing device to be attached to an existing writing implement.

Despite this, we have defined further distinctions over the prior art in order to obtain a speedy allowance of the case. In this regard, claim 1 has been amended to clarify that the sensing device can sense coded data when the nib of the writing implement is in contact with the surface. This is described, for example, on page 21, line 24 onwards and allows movement of the pen to be determined from sensed coded data, whilst a user is writing on a surface. It should be noted that this is not a restrictive requirement and does not preclude the sensing device sensing coded data when the nib is not in contact with the surface. However, it would be appreciated by the Examiner that in the arrangement of Nagaoka it is impossible for the writing implement and the sensing device (which we assume the Examiner would equate to the nylon tip to) be used simultaneously. In view of this, we respectfully submit that the claims are novel and inventive over the cited prior art.

Very respectfully,

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